

Notice of Allowability

Application No.

10/691,163

Examiner

Fred M. Teskin

Applicant(s)

ORTIZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 092404
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 100605
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 15, fourth line from the end: "deactivation agent" has been deleted and -- charge dissipation modifier -- inserted after "the".

Examiner's Comment

Authorization for this examiner's amendment was given in a telephone interview with applicants' representative, Mr. Terry, on October 5, 2005.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claims 1-17 are allowable over the closest prior art to US '178, cited in the Search Report of 07 August 2004.

US '178 discloses crystalline polyolefin resin compositions comprising specified quantities of crystalline polypropylene homopolymer, crystalline propylene-ethylene block copolymer, an inorganic filler, decabromodiphenylethane as flame retardant and a

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flame retarding auxiliary. Silica is mentioned among numerous other species of possible fillers, while as the flame retarding auxiliary, antimony compounds such as antimony oxide and boron compounds such as zinc borate and borax are mentioned.

As apparent from the above description, the purpose of the boron compounds in US '178 is completely different to that of applicants' claimed invention, where residuals of transition metal catalyst and a boron containing activator package interact with a charge dissipation modifier, e.g., silica compounds, to reduce the dissipation factor of an olefinic interpolymer containing such catalyst residuals. There is nothing in US '178 to indicate compounds such as zinc borate or borax would even inherently function as a "boron containing activator" of a transition metal catalyst. Moreover, since neither silica nor a boron compound is included in any of the exemplified blend compositions (Tables 1-3), it cannot be said that US '178 inherently meets the requirement of the claimed invention for *lowering the dissipation factor* of the olefinic interpolymer through treatment with the recited species of charge dissipation modifier - a requirement reflected in each of the independent claims (claim 1, final four lines; claims 14-15, lines 1-2).

Accordingly, claims 1-17 are deemed to define allowable subject matter and passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Citation of Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.


The Easter patent is pertinent to insulation compositions comprising a metallocene polymer(s) and an additive blend of an antioxidant and a hindered amine light stabilizer (note col. 4, ll. 25+). The hindered amines described therein are not species of applicants' amine compounds as claimed and there is no indication the metallocene polymer contains residuals of a boron-containing activator package.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMTeskin/10-03-05


FRED TESKIN
PRIMARY EXAMINER
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